

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NAZARETH HOSPITAL and	:	CIVIL ACTION
ST. AGNES MEDICAL CENTER	:	
v.	:	No. 10-3513
KATHLEEN SEBELIUS, Secretary	:	
Department of Health and Human Services	:	

ORDER

AND NOW, this 16th day of October, 2012, it is ordered:

- The “Motion of Plaintiffs Nazareth Hospital and St. Agnes Medical Center for Amendment and Clarification of the Court’s July 12, 2012 Order” (doc. no. 41) is granted in part.

Specifically, plaintiffs’ request is granted for production of the records made during the agency’s notice-and-comment procedure for the interim final rule, 65 Fed. Reg. 3136 (Jan. 20, 2000) and the final rule, 65 Fed. Reg. 47054 (Aug. 1, 2000) (the “rulemaking records”).¹

- The Secretary shall produce the complete administrative record, including the rulemaking records as well as the record made on remand of this case to the Secretary in compliance with the July 11, 2012 order (docketed July 12, 2012, doc. no. 40). See 42 C.F.R. § 405.1865.
- The parties shall cooperate in expediting production of the records.
- Before the conference or hearing on Thursday, October 25, 2012, the parties shall exert every effort to agree on a schedule to:
 - (1) complete production of all pertinent records; and
 - (2) may submit concise supplementary briefing on the September 11, 2012 decision of the CMS Administrator (doc. no. 61).

BY THE COURT:

/s/ Edmund V. Ludwig
Edmund V. Ludwig, J.

¹ Plaintiffs withdrew their other requests for relief.